

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 19, 2014 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 19, 2014, in the Commissioner Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 4:30 p.m. where and when the following business was transacted:

The Chairman called the meeting to order with the following members present:

David Gantt, Chairman
Ellen Frost, Vice Chair
Joe Belcher, Commissioner
Mike Fryar, Commissioner
Holly Jones, Commissioner
David King, Commissioner
Brownie Newman, Commissioner

Staff present was: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/HHS Director; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Mike Frue, Senior Staff Attorney; Bob Deutsch, County Attorney; Kathy Hughes, Clerk to the Board.

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman reminded the Board that in accordance with the State Government Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. He asked if any Board member had any known conflict of interest or appearance of conflict with respect to any matter coming before the Board. None were mentioned.

PUBLIC COMMENT

Don Yelton did not like the summary of his comments in the minutes of the last meeting. He restated his comments from the last meeting and presented a copy of his questions to the Clerk.

Dennis Saddler suggested that guns be melted down and the money used for social good.

Eddie Harwood commented on the Register of Deeds (ROD) closing his office in February of 2014 for snow. He said that there were documents that were not recorded due to the illegal closing of his office.

Jerry Rice said that the minutes of the last meeting do not correctly reflect his comments. He suggested that the proceeds from the County property on Charlotte Street that was scheduled to be sold, be used toward mental health.

The County Attorney said that he had reviewed the County's options in response to the loss of work hours due to the ROD's office closing. He said that the chance of recovering on the bonds (\$50,000) is extremely unlikely because the bond is to guarantee financial integrity and that the ROD comply with duties of the office. The closing does not fit under terms of the bonds. The actual cost to the County can't be calculated until the end of the year. He advised the County not to litigate against the ROD bond due to the recovery amount being so small.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Vice Chair Frost moved to approve the consent agenda as presented. Commissioner Belcher seconded and the motion passed 7-0.

- *Approval of Minutes of August 5, 2014 Regular Meeting*
- *Resolution Approving Pyrotechnic Experts for Firework Displays*
- *Resolution Approving Assignment of Bid*
- *Budget Amendments*
 - *Fund 10 – carry Forward encumbrance reserve, restricted and grant balances; children's trust fund grant (\$1,386,355)*
 - *Fund 30 – Transportation (\$3,000)*
- *Grant Projects Ordinance*
- *Capital Projects Ordinance*
- *Approval of Legal Settlement*
- *Release Report*

GOOD NEWS

National Association of County Information Officers Awards

Todd McGee, NCACC Communications Officer and President of the National Association of County Information Officers (NACIO), described the NACIO award competition. NACIO received 350 entries from across the nation that were professionally judged. Buncombe County Public Relations Department won top awards in 7 of the categories and were chosen the best of the best in the video award category for *Forever Free*. Mr. McGee presented the award to Max Taintor, County Videographer and Cataldo Perrone, Multi-Media Specialist.

National Association of Counties Best Practice Award

Sheriff Van Duncan explained the national recognition that they received as part of the National Association of Counties Best Practice Award. The Sheriff's office COPS Team was awarded for their work to improve quality of life at the community level by involving the citizens in problem solving in their neighborhood.

Lisa Eby with Health and Human Services described the two Best Practice awards they received for Community Threat Assessment and Diversity Engagement Coalition. She said that these groups formed as a result of increased violence across the community. The awards recognized the partnerships formed by working with community groups and agencies to proactively meet the needs of the community.

PUBLIC HEARINGS

- **Text Amendment – Planned Unit Developments**

Josh O'Connor, Zoning Administrator, reviewed the changes covered in the ordinance attached to the minutes. Chairman Gantt asked how this would affect the Blue Ridge Parkway overlay. He said that these changes will not hurt the steep slope or parkway overlay ordinances.

The Chairman opened the hearing at 5:23 p.m.

Mike Riesman, Director of Asheville Airport, spoke in favor of these changes.

Jerry Rice commented on the height restrictions along the corridors. He wanted the Board to ask more questions.

The Chairman closed the hearing at 5:27 p.m.

Commissioner Belcher moved to approve the ordinance as presented. Vice Chairman Frost seconded and the motion passed 7-0.

NEW BUSINESS

- **Pack Place Funding**

Donna Clark, Finance Director, summarized the investment of the City and County since 1988. The County had invested \$9.5 million and the City has invested \$7.1 million in the Pack Place facility.

Bob Deutsch, County Attorney, said that there were no formal partnership but an understanding between the City and County to contribute an equal amount of funding for the facilities.

Commissioner Fryar said that after 2009 the City did not contribute equally to the facility.

Commissioner Newman said that the City paid off the bonds and did not pay any further. He said that the County had supported the operating costs of Pack Place and with new lease agreements, they will take on the capital investment for the building. He said that the City had committed \$2 million to the Art Museum as part of this property.

Commissioner Frost said that fund raising agreements for these entities should be clarified.

Chairman Gantt said that City took title and paid off the debt and he hoped that the non-profits would not suffer in partnership dissolution. He felt that part of the County's response should be what is best for the non-profits.

The County Attorney said that he and his wife had been supporters of all the organizations involved in Pack Place. He said that the City will be leasing directly with Coburn Mineral Museum (CMM), Art Museum (AM) and Diana Wortham Theatre (DWT) and that the tenants were obligated to contribute to a fund for capital maintenance. They have 30 year leases with two 10 year renewal options. He reviewed the requirements that are included in each of the leases.

Commissioner Newman said that the long term capital maintenance costs will come from the City.

Commissioner Belcher said that these leases are forcing everyone to have a more active role in the maintenance of these buildings.

The Manager reviewed the action taken earlier by the CRA in regard to Pack Place. The County would pay the utilities which were listed in Buncombe County's name, proposing that one of the entities take the utilities on January 1. She asked that the budgeted funds be distributed to the partners based on square footage.

Vice Chair Frost moved to fund \$180,969 disbursed as recommended by the County Manager; stop the management fees after two months and change responsibility for utilities to another entity. Commissioner Jones seconded asking that if the three partners were on the same page with another disbursement rather than square footage, that their recommendation be considered.

The Chairman allowed public comment on this topic.

Hardy Holland, Chair of the Diana Wortham Theatre and representing all the tenants, read a letter asking for commitment to the Pack Place Partners.

Ken Michalove gave some history on the Pack Place and sharing his disappointment with the Art Museum and that the Coburn Mineral Museum had to leave the space. He did not want any tax dollars spent on this facility.

Ed Hay, Chair of the Pack Place Board, gave a history of the Board asking for more time and funding to work through the transition from old administration to new administration.

Dave Starkey, Director of the Lyric Opera, asked that the County continue its support through the transition.

Jerry Rice felt that no one understood the situation.

Jill McGuire, daughter of Roger McGuire, who began Pack Place in 1992, said that the original goal to help Asheville's downtown become a destination had been achieved. She said that these changes were part of the evolution and positive growth of downtown and she thanked the Board for their help and for continuing the work.

John Ellis, Manager of Diana Wortham Theatre, thanked the Board for its creation of the facility. He was happy to continue to transition this facility into the future.

David McGleash, member of the board for the Art Museum, said that he felt it was critical for the County to continue to support them now and in the future. He said that they are committed to being fiscally responsible.

The Chairman said the County had and would continue to support the non-profit engine in the downtown area. He felt that the question would be whether or not the entities can work together.

Commissioner King asked that the partners come back with an update.

After comments from the Commissioners, the motion as previously stated passed 7-0.

BOARD APPOINTMENTS

After a poll of the Board, **Amanda Warren** was unanimously appointed to the **Historic Resources Commission** by a vote of 7-0.

Vice Chair Frost moved to appoint **Charlotte Wade** and **Cassandra Ingram** to the **Asheville Buncombe Community Relations Council**.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next regular meeting of the Board will be September 2, 2014 beginning at 4:30 p.m.*
- *Commission meetings can be seen on:*
 - *BCTV Charter Cable Channel 192*
 - *AT&T U-Verse Channel 99*
 - *Live on BCTV Channel 192 and on buncombecounty.org during the meetings or*
 - *Online anytime at buncombecounty.org*

Commissioner Belcher moved to go into closed session pursuant to NCGS 143-318-11a (4) to consider several economic development incentives. Vice Chair Frost seconded and the motion passed 7-0.

CLOSED SESSION

Jon Creighton, Assistant County Manager, told the Board about a possible economic development incentive that would bring 150 jobs and make a \$20 million investment. The Board agreed by consensus to offer an incentive.

Commissioner King moved to return to open session. Commissioner Fryar seconded and the motion passed 7-0.

Commissioner Newman moved to adjourn the meeting. Vice Chair Frost seconded and the motion passed 7-0. The meeting was adjourned at 7:05 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS